

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
UNITED STATES OF AMERICA,

-against-

**MEMORANDUM OF  
DECISION AND ORDER**  
02 CR 484

BRAD PAYNE,

Defendant.

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**APPEARANCES:**

**BENTON J. CAMPBELL, UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK**

610 Federal Plaza

Central Islip, NY 11722

By: Richard Donoghue, Chief Assistant United States Attorney,

**FEDERAL DEFENDERS OF NEW YORK, INC.**

Attorneys for the Defendant

460 Federal Plaza

Central Islip, NY 11722

By: Randi L. Chavis, U.S. Federal Defender

**SPATT, District Judge.**

The Government is ordered to show cause in writing on or before May 12, 2008 why the Court should not re-sentence the Defendant on July 18, 2008 at 10 o'clock in the forenoon, pursuant to 18 U.S.C. § 3582(c)(2) and U.S.S.G. § 1B1.10 (as amended effective March 3, 2008).

Randi L. Chavis, Esq., is hereby appointed pursuant to the Criminal Justice Act to represent the Defendant in this matter. Any response to the Government's

submission shall be filed on or before May 26, 2008. Any reply shall be filed on or before June 2, 2008. The parties are directed to appear in courtroom 1020 on July 18, 2008 at 10a.m. for the Defendant's re-sentencing.

The United States Department of Probation is directed to obtain all records regarding the Defendant's behavior during his current term of incarceration and produce all such records to this Court on or before June 2, 2008. Further, the Probation Department is ordered to submit any amendments to the Defendant's pre-sentence report on or before June 16, 2008.

So Ordered.

Dated: Central Islip, New York  
April 11, 2008

/s/ Arthur D. Spatt  
Arthur D. Spatt  
United States District Judge